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August 16, 2023

MEMO ENDORSED.

BY ECF

Hon. Ona T. Wang
United States District Court, S.D.N.Y.
500 Pearl Street
New York, New York 10007

**Re: *SS&C Technologies Holdings, Inc. and Advent Software, Inc. v. Arcesium LLC*,
No. 1:22-cv-02009-TMR-OTW**

Dear Judge Wang:

We represent Defendant/Counterclaim-Plaintiff Arcesium LLC ("Arcesium") in the above-captioned matter. Together with Plaintiffs/Counterclaim-Defendants SS&C Technologies Holdings, Inc. and Advent Software, Inc. (collectively, "SS&C"), the parties respectfully submit this request to redact portions of Arcesium's response (the "Response") to SS&C's August 11, 2023 Letter Motion for a Local Rule 37.2 Conference, ECF No. 192.

While a presumption of public access applies to judicial documents, *e.g.*, documents relevant to the performance of the judicial function and useful in the judicial process, the weight of the presumption is "governed by the role of the material at issue" and the resulting value of such information to the public. *Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110, 119 (2d Cir. 2006). Courts must also balance against the weight of the presumption any countervailing factors such as "the privacy interests of those resisting disclosure" including "the degree to which the subject matter is traditionally considered private rather than public," *id.* at 120, and the "nature and degree of injury" resulting from disclosure, *United States v. Amodeo*, 71 F.3d 1044, 1051 (2d Cir. 1995).

The Response references certain non-public components of Arcesium's software. This type of information is regularly deemed protected because disclosure "might harm a litigant's competitive standing." *In re Parmalat Sec. Litig.*, 258 F.R.D. 236, 244 (S.D.N.Y. 2009) (quoting *Nixon v. Warner Commc'ns, Inc.*, 435 U.S. 589, 598 (1978)); *Dodona I, LLC v. Goldman, Sachs & Co.*, 119 F. Supp. 3d 152, 155 (S.D.N.Y. 2015). Indeed, the Court has previously granted the parties' requests to seal similar information. *See, e.g.*, ECF No. 197.

Accordingly, the parties respectfully submit this request to redact the public version of the Response and file an unredacted copy under seal.

Respectfully submitted,

/s/ James J. Pastore

James J. Pastore

cc: All Counsel of Record (via ECF)

Application **GRANTED**.

SO ORDERED.

A handwritten signature in blue ink, appearing to read 'Ona T. Wang', is written over a horizontal blue line.

Ona T. Wang
U.S.M.J.

8/18/23